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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,645	01/29/2001	Nils B. Lahr	39511A	6757

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EXAMINER

KENNEDY, LESA M

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 04/14/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,645

Applicant(s)

LAHR, NILS B.

Examiner

Lesa Kennedy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6, 9 and 10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. This action is responsive to the application filed on January 29, 2001. Claims 1-20 are pending examination. Claims 1-20 are directed towards a system and method for modifying data request and responses between a client and server.

Drawings

2. The drawings are objected to under 37 CFR 1.84(o) because Figs. 1, 4 and 10 contain items that do not have descriptive legends. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show

- Item 42 in Fig. 2
- Items 12 and 33 in Fig. 3, and
- Item 122 in Fig. 4

as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

A proposed drawing correction or corrected drawings are required in reply to the Office action

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to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
- The specification makes incorrect references to items shown in Fig. 11 (see page 23, line 30; items 10 and 194)
 - The specification describes items shown in Fig. 7, not Fig. 5, as stated on page 14, line 12
 - 'Full Decision Scenario #3' on page 25 contains incorrect references.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because method claim 19 recites being dependent on system claim 6. For purposes

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of further reviewing this claim, it will be assumed that the applicant intended to state that claim 19 is dependent on claim 16.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Scholl et al. (U.S. Patent No. 5,742,762).

As to claim 1, Scholl teaches a system comprising:

a data resource request modifier, adapted to intercept and modify a data resource request issued by a user requesting data from said network prior to said data resource request reaching a data server in said network, to create a modified data resource request [col. 6, lines 6-21; Scholl discloses a network management gateway or NMG (data resource request modifier) that modifies a request (data resource request) from a Web client (user) before forwarding the request to a network management system (data server) on the appropriate managed network]; and

a data delivery device, adapted to control routing of requested data from a data server in said distributed data delivery network to said user based on said modified data resource request [col. 7, lines 59-63; Scholl discloses that after modifying the request, a network management

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proxy agent in the NMG (data delivery server) determines whether the requested information will be routed from a local database or from an appropriate managed network].

As to claim 2, Scholl teaches the system of claim 1 wherein:

said data resource request includes a data resource request metafile [col. 3, line 66 – col. 4, line 2; Scholl discloses handling multimedia data requests (data resource request metafiles)];

said data resource request modifier is adapted to modify said data resource request metafile to create a modified data resource request metafile included in said modified data resource request [col. 3, line 66 – col. 4, line 2; col. 6, lines 15-24; Scholl discloses a NMG (data resource request modifier) that modifies a multimedia data request (data resource request metafile) to create a network management service request (modified data resource request)]; and

said data delivery device is adapted to control routing of said requested data from said data server based on said modified data resource request metafile [col. 7, lines 59-63; Scholl discloses that after modifying the request, a network management proxy agent in the NMG (data delivery server) determines whether the requested information will be routed from a local database or from an appropriate managed network].

As to claim 3, Scholl teaches the system of claim 1, wherein said data delivery device issues a response to said user based on said modified data resource request to enable said user to receive said requested data from said data server [col. 6, lines 32-45; Scholl discloses that the NMG (data delivery device) transmits a response to the user based on the network management service request (modified data resource request)].

As to claim 4, Scholl teaches the system of claim 1, wherein said modified data resource request includes data identifying said data server as the data server from which said requested

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data is to be provided to said user [col. 6, lines 15-21; Scholl discloses that the network service management request (modified data resource request) is recognized as one to be forwarded to an appropriate network management system (data server)].

As to claim 5, Scholl teaches the system of claim 4, wherein said data server identified by said data in said modified data resource request [col. 6, lines 15-21; Scholl discloses that the network service management request (modified data resource request) is recognized as one to be forwarded to an appropriate network management system] is different from a data server identified by data in said data resource request prior to modification [col. 6, lines 6-15; Scholl discloses that a request (data resource request prior to modification) is recognized as one to be forwarded to the NMG].

As to claim 6, Scholl teaches a system comprising:

a data response modifier, adapted to intercept and modify a data response issued by a data server in said network [col. 7, lines 16-21; Scholl discloses that the NMG (data response modifier) receives and converts a response from a managed network object (data server) into an HTML document] in response to a data resource request issued by a user requesting data from said network [col. 6, lines 6-17, 32-36; Scholl discloses that the response is to satisfy a request (data resource request) from a user], before said response reaches said user, to create a modified data response [col. 7, lines 18-30; Scholl discloses that the NMG converts the response into an HTML document (modified data response) before sending it to the client (user)]; and

a data delivery device, adapted to control routing of requested data from a data server in said distributed data delivery network [col. 7, lines 59-63; Scholl discloses that a network management proxy agent in the NMG (data delivery server) determines whether the requested

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information will be routed from a local database or from an appropriate managed network] to said user based on said modified data response [col. 6, lines 37-45; Scholl discloses that the NMG routes the HTML response (modified data response) to the client via the requesting Web server].

As to claim 7, Scholl teaches the system of claim 6, wherein:

said data response includes a data response metafile [col. 3, line 66 – col. 4, line 2;

Scholl discloses handling multimedia data responses (data resource response metafiles)];

said data response modifier is adapted to modify said data response metafile to create a modified data response metafile included in said modified data response [col. 3, line 66 – col. 4, line 2; col. 7, lines 44-48; Scholl discloses a NMG (data response modifier) that modifies a multimedia data response (data response metafile) to create an HTML document (modified data response)]; and

said data delivery device is adapted to control routing of said requested data from said data server [col. 7, lines 59-63; Scholl discloses that a network management proxy agent in the NMG (data delivery server) determines whether the requested information will be routed from a local database or from an appropriate managed network] based on said modified data response metafile [col. 6, lines 37-45; Scholl discloses that the NMG routes the HTML response (modified data response) to the requesting Web server].

As to claim 8, Scholl teaches the system of claim 6, wherein said data delivery device issues said modified data response to enable said user to receive said requested data from said data server [col. 6, lines 32-45; Scholl discloses that the NMG (data delivery service) creates an

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HTML document (modified data response) to enable the Web client (user) to receive the requested data from a network management system (data server)].

As to claim 9, Scholl teaches the system of claim 6, wherein said modified data response includes data identifying said data server as the data server from which said requested data is to be provided to said user [col. 8, lines 16-19; Scholl discloses that the HTML document (modified data response) is transmitted to the appropriate Web server (data server) to provide the response to the user].

As to claim 10, Scholl teaches the system of claim 9, wherein said data server identified by said data in said modified data response [col. 8, lines 16-19; Scholl discloses that the HTML document (modified data response) is transmitted to the requesting Web server (data server)] is different from a data server identified by data in said data response prior to modification [col. 7, lines 44-48; Scholl discloses that the response (data response prior to modification) is transmitted to the NMG (data server)].

Claims 11-20 represent method claims that correspond to system claims 1-10, respectively. They do not teach or define any new limitations above claims 1-10 and therefore are rejected for similar reasons.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lesa Kennedy whose telephone number is (703) 305-8865. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lesa Kennedy
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Andrew Caldwell
Andrew Caldwell